

Committee: Security Council

Issue: Dispute in the South China Sea

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Position: President

PERSONAL INTRODUCTION

Dear delegates,

I am George Giannakoulas and I am going to be the President of this year's Security Council. As a member of the team of this year's DSTMUN I am proud to welcome you to the committee! I am sure that every single one of you will do their best in order for us to have a successful and fruitful debate and discussion.

The question of the dispute in the South China Sea is one of the two topics we will be discussing in this year's Security Council. This topic strikes is one of the most important issues currently being debated in the actual International Community.

Having participated in multiple MUNs as a member of the administrative staff, a delegate and a chair I am pleased to say that this is one of the most interesting topics I have seen and I am thrilled to be the one who will help you navigate it through this study guide. Apart from the tremendous opportunities for interaction with other cultures, opinions and people an MUN conference provides it also puts you in situations which can truly surprise you with the eventual outcome. Naturally a successful debate requires all of you to participate with clever and carefully crafted arguments. So, I wish that, come November, we will all be pleased with what we have accomplished.

However, the Security Council will require extra effort due to the need for compromise; and in your search for common ground with other countries you will have to consider what your country considers fundamental demands and red-lines.

In this study guide you can find all the necessary information that might be important to the debate. However, I personally advise you do your own research on the topic and to personally and individually search the specific policies of your countries.

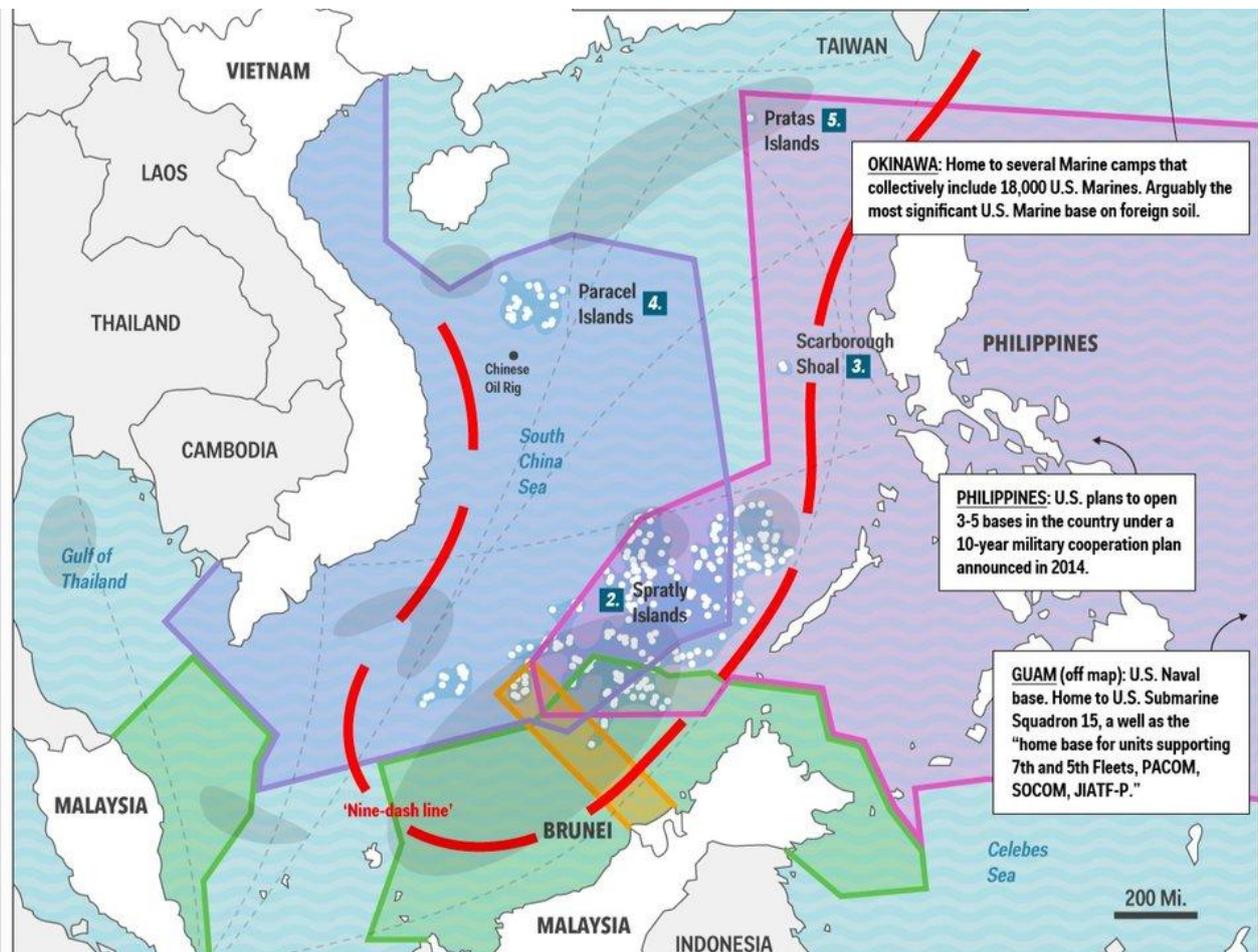
For questions regarding anything you might want to ask please feel free to send me an email on 20131016@student.anatolia.edu.gr. I look forward to meet each and every one of you in the 2018 DSTMUN Conference in November.

Farewell,

George Giannakoulas

TOPIC INTRODUCTION

The history of the South China Sea can be traced centuries back with China claiming that Chinese fishermen first used the area close to the 3rd Century BC. Today the South China Sea is one of the primary routes for international trade and it is widely assumed that apart from its vast fishing stocks the sea also has great amounts of oil under the seabed. Different land areas and maritime boundaries are claimed by China, Taiwan, Malaysia, Indonesia, the Philippines, Vietnam and Brunei. In recent years Chinese aggression, particularly in the form of land reclamation has heightened tensions with the Philippines in 2013 bringing the case in front of The Permanent Court of Arbitration in The Hague. The PCA found against China in 2016. The immensity of the region’s oil reserves are still a hot topic with numerous countries occasionally issuing permits for oil rigs in what they claim are their maritime waters. The geopolitical importance of The South China Sea as well as the emerging role of China as a global superpower positions this dispute in the top of the issues that need to be resolved. With each passing year, the possibility of armed conflict approaches even closer, particularly now with the United States beginning construction of at least 3 new military bases in The Philippines.



#1 Overlapping claims in the South China Sea. In red is the Nine-dash line, in purple The Philippines’ claims, in blue Vietnam’s, in green Malaysia’s and in orange Brunei’s.

DEFINITION OF KEY TERMS

Artificial Islands

An artificial island is a manmade island. They are constructed by expanding the existing reefs or submerged lands and by construction on existing reefs or merging some natural islets into a bigger island. Artificial islands are usually constructed by land reclamation. Land reclamation is a process where new land is created from oceans, river beds and lake beds. The new land is called reclamation ground.



#2 Satellite Imagery comparing Fiery Cross Reef in 2014 to 2016. This reef is part of The Spratly Islands

The Nine-dash line

The nine-dash line claims of the South China Sea comprise approximately 2,000,000 square kilometers of seas, islands, and rocks. On 12 July 2016, an arbitral tribunal ruled that China has no legal basis to claim "historic rights" within its nine-dash line. China has not precisely articulated what its nine-dash line in the South China Sea means.

The Exclusive Economic Zone (EEZ)

The Exclusive Economic Zone (EEZ) is a maritime zone, set by the United Nations Convention on the Law of the Sea, seaward of the territorial sea and can extend for up to 200 nautical miles (370 km.) from the territorial sea's baselines. Over that zone, a State has the autonomy and the sovereignty to explore and exploit all the recourse –natural and non-living- and has privileges related to the construction of installation and artificial islands.

Territorial waters

The territorial waters of a State may be up to 12 nautical miles from the baseline. In those waters the coastal State has the right to set laws, regulate use, use any

resource and establish artificial islands. The sovereignty of coastal State over its territorial waters is almost as extensive as its sovereignty over its land territory.

Contiguous Zone

The Contiguous Zone is a maritime zone that may extend up to 24 nautical miles from a States coastal baseline, in which the State has the right to explore and exploit its natural resources but it does not have sovereignty over artificial islands in that area.

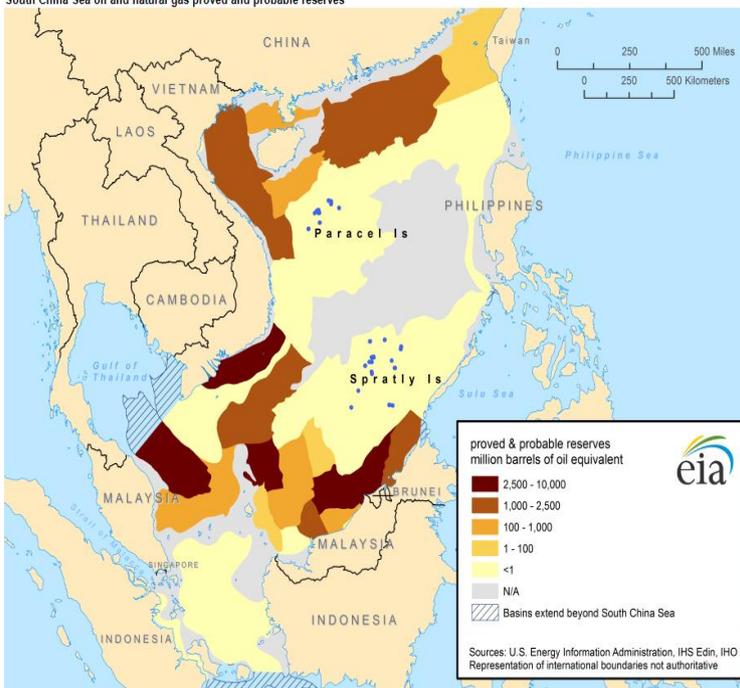
BACKGROUND INFORMATION

The Resources

The South China Sea is very rich in biodiversity with its tropical climate providing for more than 3300 species of marine life. 55% of fishing vessels worldwide operate in the South China Sea and 12% of all fish catches worldwide occur there, with fisheries employing more than 3.7 million people. In addition the coral reefs of the area are of immense value to marine biologists and their research.

In addition to the fishing opportunities in the area, there is also an immensity of oil and natural gas reserves. There are close to 2 Trillion USD worth of oil in the bottom of the South China Sea. That presents tremendous economic opportunities for developing nations like Malaysia, the Philippines and Vietnam, but it would also guarantee China’s energy independence.

South China Sea oil and natural gas proved and probable reserves



#3 Oil and natural gas resources in the South China Sea

Adding to the strategic importance of the South China Sea is the fact that close to one-third of global shipping passes through its waters, with a combined value of over 3 Trillion USD in trade each year. The South China Sea continues to be the second most used sea lane in the world and with Asia becoming ever more engaged in global geopolitics and economics it could easily become the first.

The beginning of the dispute

The Republic of China (present day Taiwan) first published what was then an eleven-dash line in 1947 when the government of Chang Kai-shek was in control of mainland China. After the revolution, the People's Republic of China (PROC) adopted the nine-dash line and the claims within as its own. Beginning in the 1970s the Chinese and countries like The Philippines, Vietnam, Taiwan and Malaysia engaged in small disputes regarding the islands with as much as 36 Vietnamese soldiers dying in the battle of The Paracel Islands in 1974. The UNCLOS was introduced in 1982 and in 1984, the Philippines was the first of the countries involved to join with many others following. In 1988, 74 Vietnamese sailors die because of the Johnson South Reef Skirmish. Multiple countries have occasionally occupied some of the Spratlys and the Paracel Islands and many still do today.

Artificial Islands

A number of islands have been artificially expanded. The majority of the land reclamation projects have been conducted by China although Vietnam, Taiwan and Malaysia have all conducted their own land reclamation projects. The three largest such operations were made by China: These are 558 hectares in Mischief Reef, 395 hectares in Subi Reef and 274 hectares in Fiery Cross Reef. The next largest land reclamation is Malaysia's in Swallow Reef with only 38 hectares. The total area reclaimed by China is close to the size of 30 Vatican Cities. Some projects even go as far as to have certain islands feature a landing strip, with many islands that were once just rocks now having buildings upon buildings.

These islands now provide China with the ability to deploy military assets such as combat aircraft and mobile missile launchers directly to the Spratly Islands. The positioning of these new bases and reclamation projects is strategically planned so as to be able to cover every part of the South China Sea through the air and the sea.

Legal framework

The United Nations Convention on the Law of the Sea has been signed and ratified by all the parties involved including China. The UNCLOS includes most regulations about the EEZ and the legal- and allowed- activities of each country in their territory, however we can notice a legal gap when it comes to overlapping zones. Moreover, China has been basing its claims on historical evidence rather than law. Chinese geography limits its ability to access the world's oceans.

The countries' Exclusive Economic Zones have long been the hot issue in the dispute but after the PCA decision was handed down all countries seemed to relax in their claims, and even temporarily attempt to abide by International Law. The exact

extent at which countries, and in particularly China, will stop abiding the UNCLOS and just do their thing is displayed month by month, with each passing month without permanent agreement pushing the possibility of a solution further away and the possibility of war even closer.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

United States of America

The United States has always had strategic interests in Asia but recently there has been a “pivot” in US foreign policy from the European continent to the Asian one. As previously mentioned the opportunities in Asia are vast ergo the attention and focus it is getting in recent years. Although the Obama administration followed a policy of protecting the rights specified on the UNCLOS (by freedom of navigation operations by the US Navy), the US has always had an “ethical” problem that discredits it as a “UNCLOS protector and enforcer”: It has not ratified the convention. Apart from that, it is impossible to predict what stance the Trump administration will take.

Regarding artificial island building, the White House in 2017 stated that if it confirmed that the reefs China is reclaiming are not Chinese, then the US would intervene to assert the freedom of international waters. This policy of passive-aggression has characterized the Trump administration, which on the one hand is trying to limit US interference overseas, but on the other hand is trying not to relinquish the United States’ position as the world’s lone superpower.

European Union

Europeans have a long history of involvement in the South China Sea. France for example once controlled parts of present-day Vietnam, Laos and Cambodia and laid claims in parts of the South China Sea. Today ASEAN countries are the EU’s third largest trading partner after the US and China. However unlike its American counterparts the Europeans limit themselves to statements, press releases and declarations. The EU’s largest interests in the South China Sea are mainly in shipping and trade. With 5 out of the 10 biggest shipping companies based in Europe, any kind of crisis could irretrievably European economies. [\[Consult Bibliography Source #11\]](#)

ASEAN

Ever since the beginning, ASEAN has claimed that its goal in the matter is the peaceful resolution of the dispute. Although all the countries in the region are generally against China’s claims in the South China Sea, most ASEAN countries are currently receiving financial aid by China under the Belt Road Initiative (BRI). Vigil

about not making themselves dependent on China, these countries are seeking to use Chinese money as a boost to their still developing economies. However, it has been a long-standing policy among ASEAN countries to try to maintain good relations with China despite their differences on the South China Sea. For ASEAN countries, China is a giant that they cannot tackle alone: A United States commitment is key to continuing the exertion of pressure on China. [\[Consult Bibliography Source #10\]](#)

People's Republic of China

The official Chinese position as reiterated by President Xi Jinping is that China's sovereignty over the South China Sea extends all the way back to "ancient times" with others putting Chinese rule over the Sea in the 15th Century and the voyages of Admiral Zheng He of the Ming Dynasty. Beginning in 1949 China quietly claimed certain seas and land features within the nine-dash line. In 2009 China submitted two Notes Verbales to the UN Secretary General. These documents and others filled at a later time notified China's neighbors of Chinese historical and legal claims in the area. The PRC states that its claims are supported by "abundant historical and legal evidence."

While Vietnam has been conducting oil drilling operations in the South China Sea since 1986 (with oil revenue accounting for 14% of the Vietnamese government's revenue), China first began oil drilling in 2012, something that sparked a confrontation with Vietnam with protests against China taking place in major Vietnamese cities. China is somewhat dependent on foreign oil with China importing 45% of the oil it produces. Although China was always concerned about being able to support its production in terms of energy, its decision to further expand geopolitically requires that it has a certain degree of energy independence. Securing the oil in the South China Sea could be what it needs to solve this problem.

The Philippines

From early on in the dispute, it was the Philippines which was at the forefront of the legal battle with it being the country to bring the case in front of the PCA and to win that case. In previous years, The Philippines brought their traditional American allies into the dispute with the US Navy conducting numerous patrols in the area each year ever since the dispute rekindled.

Although recently elected President Duterte has toned down his rhetoric and has publicly expressed his affection for Chinese President Xi Jinping, he has stated that if any country attempts to unilaterally mine the natural resources in the Western Philippines Sea of the South China Sea, he will take his country to war. However much like his American counterpart, President Duterte is also known to go back and forth on his statements with him saying just days before this statement that he cannot go into a war he cannot win.

Vietnam

Unlike the Philippines in recent years, Vietnam has always been strong in its claims and has engaged China numerous times since the 1970s. Vietnam continues to conduct oil drilling in the South China Sea having just signed a new agreement with Exxon Mobil, which provides for the leasing of the Blue Whale Gas Field, a 150-billion-cubic-meter find. In addition, in April 2018 Chinese and Vietnamese diplomats agreed to bilaterally settle their disputes although the results remain to be seen.

BLOCS EXPECTED

The majority of the permanent members are not inclined to support China’s claims with the United States having strong ties primarily with the Philippines and France and the UK tending to get behind their traditional American allies not only to support them but also to defend their own interests in the region.

The Netherlands, Sweden and Poland have regularly made statements in recognition of the authority of the Permanent Court of Arbitration, which in 2016 found against China in a case brought by The Philippines.

Kuwait stands with the Arab League in arguing that the International court of Arbitration has no jurisdiction in the matter.

Russia having just signed a new defense cooperation agreement with Vietnam, would be likely to support Vietnamese claims, but also it has and still does conduct regular military exercises with China which could pave the way for a further cooperation down that road. However with China and Vietnam attempting to meet halfway in recent times, these two roads might not be that apart.

TIMELINE OF EVENTS

Date	Description of event
1947	China first publishes a map featuring a “nine-dash line” which encompassed almost all of the South China Sea
December 1982	The 200 nautical mile exclusive economic zone is formally adopted
May 1984	The Philippines ratify the UNCLOS and proceed to claim all the Spratly Islands within their EEZ.
2002	ASEAN and China agree to have a Declaration on the Conduct of Parties in the South China Sea

2015	China threatens to declare an air identification zone over the South China Sea
February 2012	China's Foreign minister tries to moderate the "nine-dash line" claim by stating that no country, including China, has claimed the entire South China Sea
March 2012	China detains Vietnamese fishermen in the Paracel islands, claiming that they were illegally fishing in Chinese waters
April 2012	The Philippines find Chinese fishermen with large amounts of sea life. They conduct a joint military exercise with the United States after the incident.
June 2012	Vietnam passes a new law claiming the Spratly Islands along with the Paracel Islands. In response, China upgrades the administrative status of the disputed islands.
January 2013	The Philippines initiate the arbitration process under the UNCLOS. China refuses to participate.
January 2014	China sets rules, which require foreign fishing vessels to acquire permits before entering the South China Sea to fish.
April 2014	China begins land reclamation on Mischief Reef while US President Obama visits The Philippines and signs a 10-year defense cooperation agreement, which calls for US troops and ships in the Philippines.
May 2014	China moves a Chinese owned oil rig near the disputed Paracel Islands. Protests break out in Vietnam and the Vietnamese ships sent to the area are fended off by the PLA Navy. The oil rig is withdrawn from the area ahead of schedule in July of that year.
June 2016	Indonesian Navy fires on Chinese fishermen in its EEZ
July 2016	Newly elected Philippines President Rodrigo Duterte announces his government's willingness to consider a new round of negotiations with China on the issue after the International Tribunal finds against China rejecting the validity of the "nine-dash line". China reiterates

	its position of denying the authority of the Tribunal, calling the decision “void”
August 2017	China and ASEAN sign their Code of Conduct agreement

RELEVANT RESOLUTIONS, TREATIES AND EVENTS

Code of Conduct

In 2002 a code of conduct for the South China Sea was first considered. The code would define what the claimants to the South China Sea can and cannot do in the disputed waters. Although a “Declaration of Conduct” was signed in 2002, ASEAN countries have been pushing for a legally binding “Code of Conduct”. On June 2018 China and ASEAN countries agreed to move forward with negotiations on the “Code of Conduct”.

UNCLOS

The UNCLOS provides for 12 miles from a nation’s shore to be “territorial waters”, meaning that each country has sole control of everything that goes through these waters and may at its discretion remove or detain anything or anyone from these waters. They are as the name suggests part of the country’s sovereign territory. The UNCLOS also provides for a 200-mile zone, called the Exclusive Economic Zone, by each country’s shoreline where within this zone, the country cannot restrict what goes in or out but can exploit the resources within at its sole-discretion. [Consult Bibliography Source #5 extensively]

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

PCA Case

Philippines v. China (PCA case number 2013–19) Permanent Court of Arbitration case brought by the Philippines under UNCLOS. China lost the case and was condemned but said it did not recognize the court’s authority and jurisdiction. However, China informally took steps to concede in some aspects. It has allowed Filipino-fishing boats, it has stopped talking about the “nine-dash line”, and it has stopped land reclamation projects and others. [Consult Bibliography Source #9]

POSSIBLE SOLUTIONS

With each involved party standing adamant by its claims and with the law being what it is, and binding for all, the dispute proves particularly difficult to solve and it carries the potential for large-scale conflict, with many calling it “the beginning of World War Three”.

A possible solution that carries weight and merit as a legitimate solution under international law standards is for the countries involved to jointly divide the EEZ with each country exploiting its respective part where the limits will be clear and no transgressions will be acceptable. In such a solution the resources would be exploited, the countries would maintain their power and political capital in the area and most importantly if it all works out no single soldier or civilian will have to die.

A legal solution will be quick and lasting. If all countries agree to submit the case to the International Court of Justice then the International Laws applicable will be enforced and the dispute will be over. However, this requires all countries to agree to sit down and be judged by a court in Europe. The semantics alone prove too much for the governments to bare. An easier and similar legal solution could be for the countries to appoint an arbitrator under whose rule, representatives from each country could renegotiate a new and renewed convention that will perhaps concern that particular area and the countries involved. No matter what, there needs to be a written set of guidelines, which all countries will agree to respect.

A political solution can be lengthy and fragile. However discussing the dispute on formal occasions can provide stability and progress. The problem with having political talks can be that each government has its own agenda domestically and that may mean that it will not have the same agenda with the previous government in foreign affairs.

Due to the complexity of the dispute and the difficulty in satisfying all parties, a permanent peaceful solution is challenging. A combination of the above potential solutions can provide that the loss of economic interests and political risk outweigh the military gain. So peace can be sustained.

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